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**From:** Russo, Rebecca  
**Sent:** Tue 8/18/2015 2:42:35 PM  
**Subject:** Outstanding Claims Questions

Hi all,

While last night's release answered some claims questions, Senator Bennet's office still has 3 outstanding. Any thoughts as to where we are in formulating a response to these questions?

1. Does filing for damages under Form 95 preclude you from seeking compensation under other forms of business assistance?
2. Can you file another Form 95 at a later date? Part of the answer would be: A person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. But I think the actual question is in regards to filing multiple Form 95s.
3. If an employee wants compensation for lost wages, does the employee or employer file the form?

Thanks!

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**Claims Process Update**

A claims process exists for compensating citizens who suffer personal injury or property damage caused by U.S. government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and EPA actions, if known, causing the loss or damage to property.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

Standard Form 95 is **not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that it has six months to resolve a claim, EPA will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to EPA within two years after the claim accrues.

[Complete the fillable PDF version of Standard Form 95.](#)

